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**Date:** November 9, 2006  
**File Number:** 5689-280  
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**To:** Art Unit 1771  
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**Company:** U.S. Patent and Trademark Office  
**From:** James R. Cannon  
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**Re: Baumgartner; Application No. 10/687,890; Filed October 17, 2003**

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09-08-06 IRC A08:59

Date: 8-30-06  
Doc. No. 5687-280  
Serial No. 10/687,870  
Inventor: Baumgartner

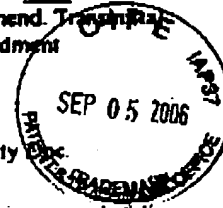
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RCE Application Transmittal and:

☐ Specification pages  
☐ No. of Claims  
☐ Declaration & POA  
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☐ Amendment & Amend. Transmittal  
☐ Preliminary Amendment  
☐ Issue Fee  
☐ Brief  
☐ Appeal  
☐ Submittal of Priority Doc.

☒ Other: 2 MTH BOT



Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

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Commissioner for Patents  
P.O. E 450  
Alexandria, VA 22313-1450

NO. 4903 P. 3

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Date: 8-30-06  
App. No. 5689-280  
Serial No. 10/689,890  
Inventor: Baumgartner

Sir: Kindly acknowledge receipt of the accompanying items listed below  
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RCE Application Transmittal and:

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Declaration & POA  
Assignment and Fee  
Small Entity Statement  
Formal Drawings/ sheets  
Associate Power of Attorney  
Exp. Mail 1st Class Mail

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IDS & PTO-149 & refs.  
Amendment & Amend. Transmittal  
Preliminary Amendment  
Issue Fee  
Brief  
Appeal  
Submittal of Priority Doc.

Other: 2 MTH EOT

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

MYERS BIGEL SIBLEY & SAJOVEC, P.A.

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	10/687,890
	Filing Date	10/17/2003
	First Named Inventor	Thomas Baumgartner
	Group Art Unit	1771
	Examiner Name	Terrell H. Morris
	Attorney Docket Number	5689-280

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCE's (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☒ Previously submitted Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 31, 2006.  
 (Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. § § 1.136 and 1.17)


iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$790.00 RCE Fee and \$450.00 for 2 mth EOT is enclosed.

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

d. ☒ If necessary, the Director is hereby authorized to charge any deficiencies, or credit any overpayments, to Deposit Account No. 50-0220

Myers Bigel Sibley & Sajovec, P.A., P. O. Box 37428, Raleigh, North Carolina 27627,  
 Telephone: (919) 854-1400, Facsimile: (919) 854-1401, Customer No. 20792

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED</b>			
Name (Print/Type)	James R. Cannon	Registration No. (Attorney/Agent)	35,839
Signature		Date	8/30/06
<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:			
Name (Print/Type)	Joyce Paoli		